

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed November 10, 2003. Claims 1-44 are presently pending. Claims 1, 5-9, 12-20, 23, 25, 28, 30-31, 36-37 and 42-43 have been amended. Claims 45-48 have been added.

Information disclosure statements ("IDSs") were filed on December 19, 2003 and December 23, 2003 (EIDS filed via EPAVE).

Also, filed concurrently herewith are an IDS filed in paper form, and an EIDS filed via EPAVE. The Examiner is requested to review the cited art and return initialed copies of the IDSs on the next communication.

Claim 36 is objected to because of containing informality. As suggested by the Examiner, claim 36 has been amended. Therefore, it is respectfully requested the Examiner withdraw the objection to claim 36.

Claims 1, 8-9, 12, 22, 24-25, 28-31, 36, 38-39 and 42-43 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,265,788 to Davidson et al. ("*Davidson*").

Claims 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson*.

Claims 2-4 and 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of US. Patent No. 5,771,438 to Palermo et al. ("*Palermo*").

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of US. Patent No. 5,929,848 to Albukerk et al. ("*Albukerk*").

Claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of US. Patent No. 6,600,428 to O'Toole et al. ("*O'Toole*").

Claims 14 and 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of US. Patent No. 5,774,791 to Strohallen et al. ("*Strohallen*").

Claims 15, 20, 23, 27, 33, 37 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of US. Patent No. 5,742,237 to Bledsoe ("*Bledsoe*").

I. Rejection of Claims 1, 8-9, 12, 22, 24-25, 28-31, 36, 38-39 and 42-43 Under 35 U.S.C. §102(e)

Claims 1, 8-9, 12, 22, 24-25, 28-31, 36, 38-39 and 42-43 are rejected under 35 U.S.C. §102(e) as being anticipated by *Davidson*.

Davidson teaches "induction loop technology to provide a general-purpose limited distance induction loop communication system." Col. 3, lines 55-58. "Each device 36a, 36b and 36c has an induction coil 42a, 42b and 42c, respectively." Col. 4, lines 22-25. "The ECU 32 is coupled to an induction loop transmitting antenna 34..." Col. 4, lines 5-7.

In direct contrast, amended claims 1, 28, 42 and 43 require “a short-range radio frequency signal” and not an induction signal as taught by *Davidson*.

Davidson explicitly teaches away from embodiments of the present invention by stating: “[R]eplacing modern automobile wiring harnesses with an IR [infrared] or RF [radio frequency] counterpart would be impractical.” (Emphasis added.) Col. 2, lines 3-4. “An RF operated device would also be impractical since they are effected by and cause noise and/or interference from and with other systems in close proximity. In addition, RF frequencies are regulated by governmental agencies such as the FCC.” Col. 2, lines 10-14.

Further, claim 12 has been amended to require “the graphic element is color coded” which is not taught or suggest by *Davidson*. This embodiment of the present invention is taught at page 20, lines 5-10 of the present Application.

Claim 30 also requires “the second device displays the status information of the first device and the status information of the second device” which is not taught or suggested by *Davidson*.

Claim 31 also requires “the status information of the first device and the status information of the second device is selectively displayed responsive to a notify preference value” which is not taught or suggest by *Davidson*.

Claims 8-9, 12, 22, 24-25, 29-31, 36, 38-39 depend from independent claims 1 and 28 and therefore are patentable for at least the reasons stated above.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 1, 8-9, 12, 22, 24-25, 28-31, 36, 38-39 and 42-43 under 35 U.S.C. §102(e) as being anticipated by *Davidson*.

II. Rejection of Claims 10-11 Under 35 U.S.C. §103(a)

Claims 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson*.

In rejecting claims 10-11, the Examiner stated:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a 802.11 network in order to utilize a particular short range communication network. Office Action, page 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first and second peripheral devices in a blue-tooth network since they are all located in a vehicle at close range from one another. Office Action, page 6.

Contrary to the Examiner’s reasoning, *Davidson* as cited above in Section I, explicitly teaches away from using either RF “802.11 network” or “Bluetooth™ network” as called for in claims 10 and 11, respectively.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over *Davidson*.

III. Rejection of Claims 2-4 and 6-7 Under 35 U.S.C. §103(a)

Claims 2-4 and 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Palermo*.

Claims 2-4 and 6-7 depend from claim 1 and therefore are patentable for at least the reasons stated above in regard to claim 1.

In addition, *Palermo*, like *Davidson*, teaches the “use of magnetic induction fields.” Cols. 1 and 2, lines 62 -67 and 1-6. *Palermo* does not teach “a short-range radio frequency signal” as required by independent claim 1.

Palermo also explicitly teaches away from the claimed invention:

Wireless headsets have also been developed which eliminate the connecting wire to the telephone. The wireless headset uses radio frequency (RF) technology or infrared technology for communicating between the headset and a base unit connected to the telephone. The need for communications circuitry and sufficient power to communicate with the base unit increases the bulk and weight of the headset. The increased weight can become tiresome for the user. One alternative has been to attach the headset by a wire to a transmitting unit worn on the belt of the user. As with wired headsets, the wire can become inconvenient and interfere with other actions by the user. Significant interference rejection circuitry is also needed when multiple wireless headsets are used in close proximity. Col. 1, lines 43-56. (Emphasis added.)

Further, claim 7 requires “the processing device is capable of displaying the status information in a form of the graphic element” that is not taught or suggested by *Davidson* and/or *Palermo*.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 2-4 and 6-7 under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Palermo*.

IV. Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Albukerk*.

Claim 5 depends from claim 1 and therefore is patentable for at least the same reasons in regard to claim 1.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Albukerk*.

V. Rejection of Claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 Under 35 U.S.C. §103(a)

Claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *O'Toole*.

Claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 depend from independent claims 1, 28 and 43 and therefore are patentable for at least the same reasons stated above in regard to claims 1, 28 and 43.

Further, claim 13 has been amended to include "the processing device is capable of displaying the status information" that is not taught or suggested by *Davidson* and/or *O'Toole*.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *O'Toole*.

VI. Rejection of Claims 14 and 16-17 Under 35 U.S.C. §103(a)

Claims 14 and 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Strohallen*.

Claims 14 and 16-17 depend from independent claim 1 and therefore are patentable for at least the same reasons in regard to independent claim 1.

Further, amended claims 14 and 16 require "the processing device is capable of displaying the status information" which is not taught or suggest by *Davidson* and/or *Strohallen*.

Also, in rejecting claims 16 and 17, the Examiner has identified Cols. 6 and 29, lines 25-39 and 34-65, respectively, as teaching "a cellular network;" yet the Applicant's attorney does not see any teaching of "a cellular network." These passages merely refer to using a Time Variant Modulation (TVM) signal between a base station and cordless headset.

Claim 16 has also been amended to "a cellular network coupled to the Internet" that is not taught or suggested by *Davidson* and/or *Strohallen*.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 14 and 16-17 under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Strohallen*.

VII. Rejection of Claims 15, 20, 23, 27, 33, 37 and 41 Under 35 U.S.C. §103(a)

Claims 15, 20, 23, 27, 33, 37 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Bledsoe*.

Claims 15, 20, 23, 27, 33, 37 and 41 depend from independent claims 1 and 28 and therefore are patentable for at least the same reasons stated above in regard to claims 1 and 28.

Therefore, it is respectfully requested the Examiner withdraw the rejection of claims 15, 20, 23, 27, 33, 37 and 41 under 35 U.S.C. §103(a) as being unpatentable over *Davidson* in view of *Bledsoe*.

VIII. New claims

New dependent claims 45-48 depend from independent claims 42 and 43. These claims have been added to clearly claim embodiments of the present invention. In particular, these claims are similar to claims 21, 24, 26 and 27. Support for these claims can be found in Figs. 8a-b and on pages 23 and 25 of the present Application. No new matter has been added.

IX. Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-44 and consideration of added claims 45-48 is respectfully requested.

Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, May 10, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: May 10, 2004

By:  5/10/04

Kirk J. DeNiro
Reg. No. 35,854

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665